

E-Filed 4/2/10

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FRANK KENNETH BENSON,
Petitioner,

No. C 10-0500 RS (PR)

ORDER OF TRANSFER


v.

JOHN D. HAVILAND, Warden,
Respondent.

Petitioner Kenneth Benson, who is currently housed in Solano State Prison, has filed a petition for writ of habeas corpus to challenge a 2008 finding of parole unsuitability by the Board of Parole Hearings in Vacaville, California. Vacaville lies in Solano County which is in the venue of the Eastern District of California. Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, a petition challenging a conviction or the sentence imposed is preferably heard in the district of conviction. *See* Habeas L.R. 2254-3(b). Because the parole denial occurred in the Eastern District of California, and because petitioner is currently housed in the Eastern District, pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this action is TRANSFERRED to the United States District Court for the Eastern District of California. The Clerk shall transfer this matter forthwith.

IT IS SO ORDERED.

DATED: April 1, 2010


RICHARD SEEBORG
United States District Judge

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ORDER OF TRANSFER

THIS IS TO CERTIFY THAT A HARD COPY OF THIS ORDER WAS MAILED TO:

Frank Kenneth Benson
C-80247
CA State Prison Solano
2100 Peabody Road
Vacaville, CA 95696

DATED: 04/2/2010

s/ Chambers Staff
Chambers of Judge Richard Seeborg

* Counsel are responsible for distributing copies of this document to any co-counsel who have not registered with the Court's electronic filing system.